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Docket No.: 2091-0292P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kouji YOKOUCHI

Application No.: 10/669,471

Confirmation No.: 4852

Filed: September 25, 2003

Art Unit: N/A

For: APPARATUS AND PROGRAM FOR IMAGE
CLASSIFICATION

Examiner: Not Yet Assigned

REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION
(PTO MISPLACED PAPERS)

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The application papers for the above-identified application were originally filed on September 25, 2003, and the application was assigned Application No.10/669,471.

A Notice of Incomplete Non-provisional Application issued on May 12, 2005. The Notice indicates that pages 19-35 of the specification are missing and that the application was filed without drawings. The Notice also indicates that a newly executed Declaration is required. A copy of the Notice is attached hereto.

Applicant attaches hereto a copy of the date-stamped postcard as evidence that the specification (35 pages) and drawings (seven (7) sheets) were received by the U.S. Patent and Trademark Office on September 25, 2003, as part of the complete application. Applicant submits that the specification and drawings were separated from the application papers after receipt by the U.S. Patent and Trademark Office on September 25, 2003.

Applicant further submits that since the complete application (including the specification and drawings) was filed on September 25, 2003, a newly executed Declaration is not required.

However, in order to be responsive to the Notice, attached hereto is a copy of the specification and drawings as originally filed on September 25, 2003. A copy of the original Declaration is also attached. The U.S. Patent and Trademark Office is respectfully requested to enter the attached application papers into the application file.

Applicant submits that since the specification and drawings were misplaced by the U.S. Patent and Trademark Office after receipt thereof on September 25, 2003, no fee is required. Additionally, no extension of time would be required.

The U.S. Patent and Trademark Office is requested to issue an Official Filing Receipt showing a filing date of September 25, 2003.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

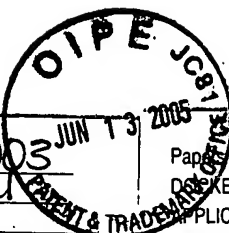
Dated: June 13, 2005

Respectfully submitted,

By 

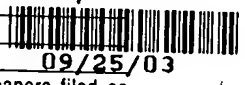
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Copy of Date-Stamped Postcard Receipt
Notice of Incomplete Nonprovisional Application
Specification (35 pages)
Drawings (7 pages)
Declaration and Power of Attorney (copy)



Papers Filed herewith on: Sept. 25 2003
 DOCKET NO.: 2091-0292P ATTY.: YOKOUCHI
 APPLICANT(S): New
 APPLN. NO.: New FILED: 9-25-03
 PAT NO.: _____

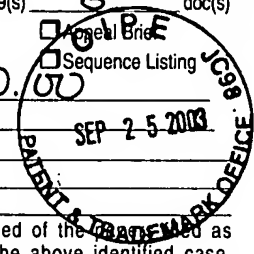
- ☒ New Application with Transmittal Letter
- ☒ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
- ☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
- ☐ Filing Under 37 CFR 1.53(d) (CPA)
- ☐ Filing Under 37 CFR 1.114(RCE)
- ☒ Specification Consisting of: 35 pages
- ☒ Combined Declaration & Power of Attorney
- ☒ Assignment / Cover Letter
- ☐ Letter to Official Draftsman
- ☒ Drawings 1 Sheets ☒ Formal ☐ Informal ☐ Red-Ink
- ☐ Completion of Filing Requirements, PCT/DO/EO/905 or Formalities Letter and Executed Declaration
- ☒ Priority Document(s) / Cover Letter, No. Doc. 1
- ☒ Amendment: _____
- ☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
- ☐ Response
- ☒ Information Disc. Stmt. PTO-1449(s) 3 doc(s)
- ☐ Notice of Appeal ☐ Appeal Brief
- ☐ Issue Fee Transmittal ☐ Sequence Listing
- ☒ FEES: \$790.00 22389 U.S. PTO
- ☐ Letter: 10/669471
- ☐ Other: _____



Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
 COMMISSIONER OF PATENTS AND TRADEMARKS
 Due Date: 9-25+26, 2003
 Handcarry: _____

Papers Filed herewith on: Sept. 25, 2003
 DOCKET NO.: 2091-0292P ATTY.: MKN
 APPLICANT(S): YOKOUCHI
 APPLN. NO.: New FILED: 9-25-03
 PAT NO.: _____

- ☒ New Application with Transmittal Letter
- ☒ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
- ☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
- ☐ Filing Under 37 CFR 1.53(d) (CPA)
- ☐ Filing Under 37 CFR 1.114(RCE)
- ☒ Specification Consisting of: 35 pages
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- ☐ Letter to Official Draftsman
- ☒ Drawings 1 Sheets ☒ Formal ☐ Informal ☐ Red-Ink
- ☐ Completion of Filing Requirements, PCT/DO/EO/905 or Formalities Letter and Executed Declaration
- ☒ Priority Document(s) / Cover Letter, No. Doc. 1
- ☐ Amendment: _____
- ☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity
- ☐ Response
- ☒ Information Disc. Stmt. PTO-1449(s) 3 doc(s)
- ☐ Notice of Appeal ☐ Appeal Brief
- ☐ Issue Fee Transmittal ☐ Sequence Listing
- ☒ FEES: \$790.00
- ☐ Letter: _____
- ☐ Other: _____

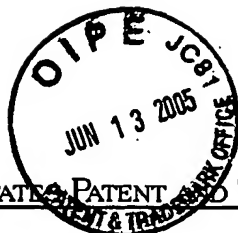


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 COMMISSIONER OF PATENTS AND TRADEMARKS
 Due Date: 9-25+26, 2003
 Handcarry: _____

COPY

DOCKET NO. 2091-0292P

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/669,471	09/25/2003	Kouji Yokouchi	2091-0292P

02292
 BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 4852

FORMALITIES LETTER



OC000000016005980

Date Mailed: 05/12/2005

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$400.00 petition fee (37 CFR 1.17(f)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification does not include at least one claim.
A complete specification as prescribed by 35 U.S.C. 112 is required.
- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

The following item(s) appear to have been omitted from the application:

- Page(s) 19-35 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE